

REMARKS

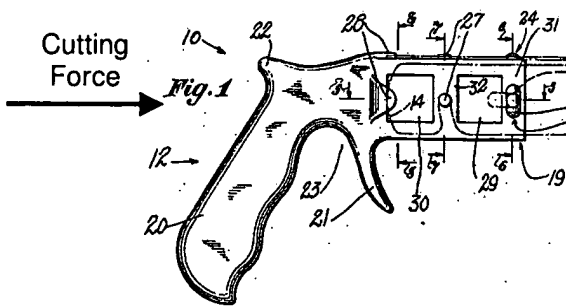
Claims 3, 4, 6 and 23-29 are now pending in the application. All claims stand rejected. Claims 6 and 23 have been amended; support for which can be found throughout the application as originally filed, and in particular in Figures 1-3. As such, no new matter has been presented. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. §§ 102 AND 103

Claims 3, 6 and 23 stand finally rejected under 35 U.S.C. § 102(b) as being anticipated by Davey (U.S. Pat. No. 2,017,895, hereinafter "Davey"). Claims 3, 6 and 23 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Davey in view of Derr (U.S. Pat. No. 2,606,584). Claims 4 and 24-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davey in view of Applicant's Admitted Prior Art. Claims 4 and 24-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davey in view of Derr, as applied to Claim 23, and in further view of Applicant's Admitted Prior Art. These rejections are respectfully traversed.

Initially, Applicant notes that Davey discloses a holding means (12) for a saw blade (11), wherein the holding means (12) comprises a shank (19) and a handle (20) at an angle thereto. *See Davey at Col. 2, Lines 1-14 and Figure 1 reproduced below.* A projecting trigger-like portion (21) extends from the shank (19) in spaced relation to the

handle (20) and in the region of the angle. See Davey at Col. 2, Lines 14-17. The



handle (20) has a rear projection (22) for bracing the user's hand. See Davey at Col. 2, Lines 17-18. When gripping the handle (20), the index finger encircles the trigger portion (21) and the middle finger lies in the

space (23) to bear against the portion (21) in the direction of sawing. See Davey at Col. 2, Lines 18-22, force arrow in direction of cutting included.

In contrast, Applicant's amended Claim 23 recites:

...a handle including a hand grip portion adapted to be received by a user's palm and fingers and first and second blade mounting portions, said hand grip portion defining an inner surface adapted to be received by user's fingers and an outer surface adapted to be received by the user's palm, said first blade mounting portion being disposed on a side surface of said handle and said second blade mounting portion being disposed on a bottom surface of said handle...

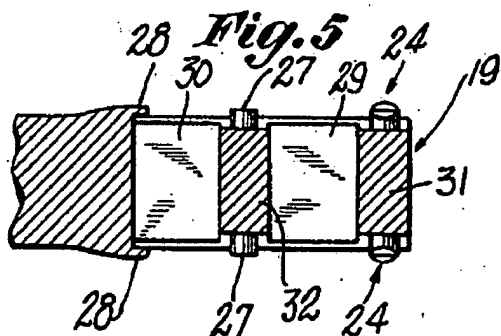
... wherein said inner surface and said outer surface of said hand grip portion are sloped toward said blade so as to be oriented at an acute angle relative to said second blade mounting portion.

In view of the above discussion, Applicant asserts that Davey does not teach, suggest or disclose every element of Claim 23. The Davey disclosure fails to teach that the hand grip portion, referred to as 21 by the Office Action, is received by a user's palm and fingers. The Office looks to the Davey trigger (21) in support of disclosure of the hand grip portion. However, this analogy must fail as Davey requires the rear projection (22) to brace the user's hand to apply the necessary force in the direction of cutting. Davey anticipates a trigger portion (21) only large enough to accommodate the index

finger, with a middle finger bearing against the backside of the trigger portion (21) in the direction of sawing. Therefore, the Davey trigger portion (21) is not capable of being received by a user's palm and fingers. Further as can be seen in Figure 1 of the Davey reference, the rear projection (22) is obtusely angled and the trigger portion (21) is acutely angled to the blade cutting portions.

Accordingly, in view of at least the above discussion, Applicant respectfully submits that Davey does not teach, suggest or disclose each and every element of Claim 23, and thus, Applicant respectfully requests the Office to reconsider and withdraw the rejection of Claim 23 under 35 U.S.C. § 102(b).

As Claims 3 and 6 depend from Claim 23, they should also be in condition for allowance. Additionally, with respect to Claim 3, Applicant asserts Claim 3 has independently allowable subject matter as Claim 3 recites, "said handle is a single, integrally formed member." Davey does not teach, suggest or disclose a single,



integrally formed member, instead, Davey teaches an assembled handle. Davey recites that "cross elements (31, 32) are formed to which members, (24, 27) are secured." See Davey at Page 2, Col. 3, Lines 6-7 and Figure 5 reproduced to the left. It is

noted that the Office relies on member (27) as the key recited in Applicant's Claim 23. As an element secured to another cannot also be integrally formed with the member, this rejection must fail. Accordingly, Applicant respectfully requests the Office to reconsider and withdraw the rejection of Claims 3 and 6 under 35 U.S.C. § 102(b).

The Office next notes that if Davey does not teach the hand grip portion adapted to be received in a user's palm, then Davey in combination with Derr does anticipate this limitation. The Office notes that "Derr teaches a hand saw including a handle (5) having a hand grip portion sloped toward a blade (1, 3)." *See Office Action dated 06-Aug-08, page 4.* It should also be noted that Davey teaches away from combination with Derr, or with any enlarged handle for that matter. Davey recites that when gripping the handle (20), the index finger encircles the trigger portion (21) and the middle finger lies in the space (23) to bear against the portion (21) in the direction of sawing. *See Davey at Col. 2, Lines 18-22.* This relationship protects the user's hand from interaction with the blade (11). *See Davey at Col. 2, Lines 27-28.* Replacement of the Davey trigger (21) with a much larger handle would not allow a user to encircle the trigger portion with the index finger and bear against the trigger with the middle finger in the direction of sawing. This would prevent a user from obtaining the required cutting force necessary for a saw device. In addition, an acutely angled handle gripped fully by a user's hand would place a substantial portion of the hand adjacent to the serrated portion of the blade in Davey, putting the user's hand in danger during sawing maneuvers. From an ergonomic standpoint, it simply makes no sense to modify Davey to have an acutely angled handle, as asserted in the office action.

Accordingly, in view of at least the above discussion, Applicant respectfully submits that Davey in combination with Derr does not teach, suggest or disclose each and every element of Claim 23, and thus, Applicant respectfully requests the Office to reconsider and withdraw the rejection of Claim 23 under 35 U.S.C. § 103(a). As Claims 3, 4, 6 and 24-29 depend from Claim 23, they should also be in condition for allowance.

Accordingly, Applicant respectfully requests the Office to reconsider and withdraw the rejection of Claims 3, 4, 6 and 24-29 under 35 U.S.C. § 103(a).

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: November 6, 2008

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